

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	08 Cr. 62 (JSR)
	:	
– <i>against</i> –	:	DECLARATION IN SUPPORT OF
	:	SUPPLEMENTAL PRETRIAL
	:	MOTIONS PURSUANT TO
ANTHONY STEELE,	:	<u>RULE 12(b), FED.R.CRIM.P.</u>
	:	
	:	(filed electronically)
	:	
Defendant.	:	

-----X

AARON J. MYSLIWIEC, ESQ., pursuant to 28 U.S.C. §1746, hereby affirms under penalty of perjury:

1. I am an associate in the Law Offices of Joshua L. Dratel, P.C. Mr. Dratel represents defendant Anthony Steele in the above-captioned case by CJA appointment. I make this declaration in support of Mr. Steele's Supplemental Pretrial Motions pursuant to Rule 12(b), Fed.R.Crim.P.<sup>1</sup>

2. All statements herein are made upon information and belief, the source of the information and the grounds for the belief being a review of the materials provided by the government and conversations with the prosecutor.

3. The bases for these motions are set forth in detail in the accompanying Memorandum of Law. Also, it is respectfully requested that the facts set forth within that Memorandum of Law be incorporated by reference in this Declaration.

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<sup>1</sup>As this Court is aware, Mr. Dratel is presently engaged in the trial of *United States v. Khalid Barnes*, (S9) 04-Cr.-0186(SCR). Therefore, I am submitting this declaration.

4. Attached to this Declaration as Exhibit 10 is a Letter from AUSA Naftalis dated March 5, 2008.

5. Attached to this Declaration as Exhibit 11 is a Letter from AUSA Naftalis dated March 25, 2008.

6. Attached to this Declaration as Exhibit 12 is a Letter from AUSA Naftalis dated March 25, 2008, but which is also dated on page two as March 27, 2008.

7. Attached to this Declaration as Exhibit 13 is a Letter from AUSA Naftalis dated April 1, 2008.

8. Attached to this Declaration as Exhibit 14 is a Letter from AUSA Naftalis dated April 11, 2008 and that defense counsel received April 14, 2008.

9. Attached to this Declaration as Exhibit 15 is a document entitled "PTS details for: STEELE, ANTHONY."

10. Attached to this Declaration as Exhibit 16 is a copy of a Complaint in the case of *People v. Anthony Steele*, County of Kings.

11. Attached to this Declaration as Exhibit 17 is a document entitled "201 Troy Ave (sic), Brooklyn, NY 11213, USA - Google Maps."

WHEREFORE, it is respectfully requested that the Court grant Mr. Steele's Motions in their entirety.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. 28 U.S.C. §1746. Executed April 14, 2008.

/S/  
AARON J. MYSLIWIEC

# EXHIBIT 10



United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

March 5, 2008

**BY HAND**

Joshua L. Dratel, Esq.  
Aaron Mysliweic, Esq.  
Joshua L. Dratel, P.C.  
2 Wall Street, 3d Floor  
New York, New York 10005

Martin Geduldig, Esq.  
600 Old Country Road, Suite 320  
Garden City, New York 11530

Re: United States v. Ballard and Steel,  
08 Cr. 62 (JSR)

Dear Sirs:

Pursuant to the Government's continuing discovery obligations under Rule 16, Fed. R. Crim. P., please find enclosed copies of the defendants' telephone calls and visitor logs from the MCC and MDC, bearing Bates numbers 145 to 162.

Please contact me at your earliest convenience concerning the possible disposition of this matter or any further discovery which you may request.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By: 

Benjamin A. Naftalis  
Assistant United States Attorney  
(212) 637-2456

Encls.



# EXHIBIT 11

U.S. Department of Justice



United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

March 25, 2008

BY HAND

Joshua L. Dratel, Esq.  
Aaron Mysliweic, Esq.  
Joshua L. Dratel, P.C.  
2 Wall Street, 3d Floor  
New York, New York 10005

Martin Geduldig, Esq.  
600 Old Country Road, Suite 320  
Garden City, New York 11530

Re: United States v. Ballard and Steele,  
08 Cr. 62 (JSR)

Dear Sirs:


Pursuant to the Government's continuing discovery obligations under Rule 16, Fed. R. Crim. P., please find enclosed copies of documents relating to a cell site application for telephone number 646-620-8271, an executed consent to search form for 754 1/2 Willoughbeg Street, Brooklyn, New York, and a CD containing a copy of video taken of Steele via the camera phone of Det. Puskas, bearing Bates numbers 163 to 177.

Please contact me at your earliest convenience concerning the possible disposition of this matter or any further discovery which you may request.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:

  
Benjamin A. Naftalis  
Assistant United States Attorney  
(212) 637-2456

Encls.

# EXHIBIT 12





**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

March 25, 2008

**BY FAX**

Joshua L. Dratel, Esq.  
Aaron Mysliweic, Esq.  
Joshua L. Dratel, P.C.  
2 Wall Street, 3d Floor  
New York, New York 10005  
Fax: 212-571-3792

Martin Geduldig, Esq.  
600 Old Country Road, Suite 320  
Garden City, New York 11530  
Fax: 516-228-3559

**Re: United States v. Ballard and Steele,  
08 Cr. 62 (JSR)**

Dear Sirs:

Pursuant to the Government's continuing discovery obligations under Rule 16, Fed. R. Crim. P., the Government hereby informs the defendant that, in connection with his November 21, 2007 arrest in Brooklyn, New York, a .380 highpoint firearm was recovered by the New York City Police Department. Please contact the Government if you would like to arrange an inspection of said firearm.

Additionally, the Government hereby informs that defendant Anthony Steele made oral statements to law enforcement, on or around November 21, 2007, in connection with his processing and fingerprinting for his November 21, 2007 arrest. Steele made reference to the fact that law enforcement's thinking that they had him on 30 robberies was incorrect, because it was more like 50 robberies. Further, Steele stated that he had been waiting for the federal authorities to pick him up; that he knew the ATF was looking for him; that the federal authorities know how to treat a "N-----"; and that he wasn't selling any guns.


Joshua L. Dratel, Esq./Aaron Mysliweic, Esq.  
Martin Geduldig, Esq.  
March 27, 2008  
Page 2

Please contact me at your earliest convenience  
concerning the possible disposition of this matter or any further  
discovery which you may request.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney

By:

  
Benjamin A. Naftalis  
Assistant United States Attorney  
(212) 637-2456

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# EXHIBIT 13



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

April 1, 2008

**BY FED EX**

Joshua L. Dratel, Esq.  
Aaron Mysliweic, Esq.  
Joshua L. Dratel, P.C.  
2 Wall Street, 3d Floor  
New York, New York 10005  
Fax: 212-571-3792

Martin Geduldig, Esq.  
600 Old Country Road, Suite 320  
Garden City, New York 11530  
Fax: 516-228-3559

Re: United States v. Ballard and Steele,  
08 Cr. 62 (JSR)

Dear Sirs:

Pursuant to the Court's March 28, 2008 order, the Government hereby provides the defendants with copies of property vouchers, the complaint, and indictment, related to the defendant's November 21, 2007 arrest in Brooklyn, New York, bearing Bates numbers 178 to 193. The criminal activity underlying the defendant's November 21, 2007 arrest is not charged in Indictment 08 Cr. 62 (JSR).

Further, pursuant to the Government's continuing discovery obligations under Rule 16, Fed. R. Crim. P., the Government hereby provides additional color copies of the photo arrays and a color copy of the firearm referred to in the above-mentioned property vouchers, previously disclosed in open court on March 28, 2008 and bearing Bates numbers 194 to 205. Lastly, the Government has subpoenaed the relevant 911 calls and radio runs. As soon as the Government receives these items, they will be promptly provided.


Joshua L. Dratel, Esq./Aaron Mysliweic, Esq.  
Martin Geduldig, Esq.  
April 1, 2008  
Page 2

Please contact me at your earliest convenience  
concerning the possible disposition of this matter or any further  
discovery which you may request.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney

By:

  
Benjamin A. Naftalis  
Assistant United States Attorney  
(212) 637-2456

Encls.

Benjamin A. Naftalis  
Assistant United States Attorney

# EXHIBIT 14



U.S. Department of Justice

United States Attorney  
Southern District of New York

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

April 11, 2008

**BY FED EX**

Joshua L. Dratel, Esq.  
Aaron Mysliweic, Esq.  
Joshua L. Dratel, P.C.  
2 Wall Street, 3d Floor  
New York, New York 10005  
Fax: 212-571-3792

Martin Geduldig, Esq.  
600 Old Country Road, Suite 320  
Garden City, New York 11530  
Fax: 516-228-3559

Re: United States v. Ballard and Steele,  
08 Cr. 62 (JSR)

Dear Sirs:


Pursuant to the Government's continuing discovery obligations under Rule 16, Fed. R. Crim. P., the Government hereby provides CD and paper copies of the relevant 911 call recordings, Sprint Reports, and/or radio runs, bear Bates numbers 206 to 263.

Please contact me at your earliest convenience concerning the possible disposition of this matter or any further discovery which you may request.

Very truly yours,

MICHAEL J. GARCIA  
United States Attorney

By:

  
Benjamin A. Naftalis  
Assistant United States Attorney  
(212) 637-2456

Encls.

received  
4/14/08



# EXHIBIT 15

## PTS details for: STEELE, ANTHONY

As of: 2/12/08

USMS no.	Last Name	First Name	Middle Name	Sex	Race	Hair Color	Eye Color
60578054	STEELE	ANTHONY		M	BLACK/BLACK HISPANIC	BLACK	BROWN
Height	Weight	Birth Date	Place of Birth	Citizenship	Marital Status	Education Level	
5ft. 9in.	240	2/11/83	BROOKLYN	UNITED STATES OF AMERICA	S		
FBI no.	Soc. Sec. no.	Alien no.	Address	City	State	Zip code	Phone
203263VC2			680 JEFFERSON AVENUE 1D	BROOKLYN	NY	11211	3477871021

## Arrest/Offense

Arrest Agency	Location	Date
ALCOHOL, TOBACCO AND FIREARMS	OBCC RIKERS ISLAND	12/3/07
Offense	Remarks	
1299 ROBBERY	18 USC 1951 HOBBS ACT ROBBERY	

## Status

Custody date	Release date	Status
12/3/07		WRIT AD PROSEQUANDUM

## Aliases

Last Name	First Name	Middle Name	Remarks
STEELE	TONE		
STEELE	TONY		
STEELE	FATBOY		

## Locales Frequented (Hangouts)

NONE GIVEN OR AVAILABLE AT DOWNLOAD

## Oddities

NONE GIVEN OR AVAILABLE AT DOWNLOAD

## Vehicles

NONE GIVEN OR AVAILABLE AT DOWNLOAD

## Licenses

Number	State	Type
571659804	NY	REGULAR DRIVERS

## Other Numerical Identifiers

Type	Number
STATE NUMBER	NY2676748P

## Employment

Occupation/Trade	Employer	Address			
NONE					
City	State	Zip code	Point Of Contact	Start Date	End Date
	XX				
Remarks					

## Relatives

Relation	Last Name	First Name	Phone	D.O.B.
MOTHER	STEELE	BARBARA	3477871021	
Address	City	State	Zip code	
680 JEFFERSON AVE 1D	BROOKLYN	NY	11211	

STEELE, ANTHONY

Download date: 2/10/07

## PTS details for: STEELE, ANTHONY

As of: 2/12/08

<u>Relation</u>	<u>Last Name</u>	<u>First Name</u>	<u>Phone</u>	<u>D.O.B.</u>
GIRLFRIEND	STUNFORD	GLORIA	7186370787	
<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip code</u>	
1590 EAST NEW YORK AVE	BROOKLYN	NY		

**Finance**

NONE GIVEN OR AVAILABLE AT DOWNLOAD

**Military**

NONE GIVEN OR AVAILABLE AT DOWNLOAD

**General Remarks**

PRIOR NYPD ARRESTS FOR ROBBERY AND MURDER

# EXHIBIT 16

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK  
COUNTY OF KINGS

V

ANTHONY STEELE  
ANTHONY STEELE

PARALEGAL PRABHJOT SEKHON OF THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE SAYS THAT ON OR ABOUT (1) SEPTEMBER 17, 2007 AT APPROXIMATELY 04:57 PM AT 201 TROY AVENUE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 120.14(1)	MENACING IN THE SECOND DEGREE (DQO)
PL 120.15	MENACING IN THE THIRD DEGREE (DQO)
PL 155.25	PETIT LARCENY (DQO)
PL 160.05	ROBBERY IN THE THIRD DEGREE (DQO)
PL 160.10(1)	ROBBERY IN THE SECOND DEGREE (DQO)
PL 160.10(2)(B)	ROBBERY IN THE SECOND DEGREE (DQO)
PL 160.15(4)	ROBBERY IN THE FIRST DEGREE (DQO)
PL 165.40	CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIFTH DEGREE
PL 240.26(1)	HARASSMENT IN THE SECOND DEGREE

AND THAT, ON OR ABOUT (2) NOVEMBER 21, 2007 AT APPROXIMATELY 12:25 PM AT 201 TROY AVENUE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 110/120.00(1)	ATTEMPTED ASSAULT IN THE THIRD DEGREE (DQO)
PL 120.14(1)	MENACING IN THE SECOND DEGREE (DQO)
PL 120.15	MENACING IN THE THIRD DEGREE (DQO)
PL 155.25	PETIT LARCENY (DQO)
PL 160.05	ROBBERY IN THE THIRD DEGREE (DQO)
PL 160.10(1)	ROBBERY IN THE SECOND DEGREE (DQO)
PL 160.10(2)(B)	ROBBERY IN THE SECOND DEGREE (DQO)
PL 160.15(2)	ROBBERY IN THE FIRST DEGREE (DQO)
PL 160.15(4)	ROBBERY IN THE FIRST DEGREE (DQO)
PL 165.40	CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIFTH DEGREE
PL 240.26(1)	HARASSMENT IN THE SECOND DEGREE
PL 265.01(1)	CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE
PL 265.01(2)	CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE
PL 265.03(3)	CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE (DQO)

AND THAT, ON OR ABOUT (3) NOVEMBER 21, 2007 AT APPROXIMATELY 12:35 PM AT TROY AVENUE AND STERLING PLACE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 221.05	UNLAWFUL POSSESSION OF MARIHUANA
PL 265.01(1)	CRIMINAL POSSESSION OF A WEAPON IN THE FOURTH DEGREE
PL 265.03(3)	CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE (DQO)

IN THAT THE DEFENDANT DID:

INTENTIONALLY PLACE OR ATTEMPT TO PLACE ANOTHER PERSON IN REASONABLE FEAR OF PHYSICAL INJURY, SERIOUS PHYSICAL INJURY OR DEATH BY DISPLAYING A DEADLY WEAPON, DANGEROUS INSTRUMENT OR WHAT APPEARED TO BE A PISTOL, REVOLVER, RIFLE, SHOTGUN, 84

FLIGHT THEREFROM, HE OR ANOTHER PARTICIPANT IN THE CRIME DISPLAYED WHAT APPEARED TO BE A PISTOL, REVOLVER, RIFLE, SHOTGUN, MACHINE GUN OR OTHER FIREARM; FORCIBLY STEAL PROPERTY AND, IN THE COURSE OF THE COMMISSION OF THE CRIME OR OF IMMEDIATE FLIGHT THEREFROM, HE OR ANOTHER PARTICIPANT IN THE CRIME DISPLAYED WHAT APPEARED TO BE A PISTOL, REVOLVER, RIFLE, SHOTGUN, MACHINE GUN OR OTHER FIREARM; KNOWINGLY POSSESS STOLEN PROPERTY WITH THE INTENT TO BENEFIT HIMSELF OR A PERSON OTHER THAN AN OWNER THEREOF OR TO IMPEDE THE RECOVERY BY AN OWNER THEREOF; WITH INTENT TO HARASS, ANNOY OR ALARM ANOTHER PERSON, STRIKE, SHOVE, KICK OR OTHERWISE SUBJECT SUCH OTHER PERSON TO PHYSICAL CONTACT, OR ATTEMPT OR THREATEN TO DO THE SAME; POSSESS ANY LOADED FIREARM AND THAT SUCH POSSESSION DID NOT TAKE PLACE IN DEFENDANT'S HOME OR PLACE OF BUSINESS;; WITH INTENT TO CAUSE PHYSICAL INJURY TO ANOTHER PERSON, ATTEMPT TO CAUSE SUCH INJURY TO SUCH PERSON OR TO A THIRD PERSON; FORCIBLY STEAL PROPERTY AND, IN THE COURSE OF THE COMMISSION OF THE CRIME OR OF IMMEDIATE FLIGHT THEREFROM, HE OR ANOTHER PARTICIPANT IN THE CRIME WAS ARMED WITH A DEADLY WEAPON; POSSESS ANY FIREARM, ELECTRONIC DART GUN, ELECTRONIC STUN GUN, GRAVITY KNIFE, SWITCHBLADE KNIFE, PILUM BALLISTIC KNIFE, METAL KNUCKLE KNIFE, CANE SWORD, BILLY, BLACKJACK, BLUDGEON, METAL KNUCKLES, CHUKA STICK, SAND BAG, SANDCLUB, WRIST-BRACE TYPE SLINGSHOT OR SLUNGSHOT, SHIRKEN OR KUNG FU STAR; POSSESS ANY DAGGER, DANGEROUS KNIFE, DIRK, RAZOR, STILETTO, IMITATION PISTOL, OR ANY OTHER DANGEROUS OR DEADLY INSTRUMENT OR WEAPON WITH INTENT TO USE THE SAME UNLAWFULLY AGAINST ANOTHER; KNOWINGLY AND UNLAWFULLY POSSESS MARIHUANA.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

THE DEPONENT IS INFORMED BY JUAN DELEON-HERRERA THAT, AT THE FIRST ABOVE TIME AND PLACE, WHICH IS ARIAS DELI GROCERY STORE, THE INFORMANT OBSERVED THE DEFENDANT TO BE ACTING IN CONCERT WITH APPREHENDED OTHER JEREMY ROGERS, ARREST NUMBER K07688515, IN THAT DEFENDANT AND APPREHENDED OTHER DID POINT WHAT APPEARED TO BE FIREARMS AT THE INFORMANT AND DEMAND THAT THE INFORMANT HAND OVER THE UNITED STATES CURRENCY IN THE STORE REGISTER.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT REMOVED \$500 UNITED STATES CURRENCY FROM SAID STORE REGISTER AND HANDED SAID UNITED STATES CURRENCY TO DEFENDANT AND SAID UNAPPREHENDED OTHER.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT DEFENDANT AND SAID UNAPPREHENDED OTHER FLED WITH SAID UNITED STATES CURRENCY.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT IS THE CUSTODIAN OF THE ABOVE-DESCRIBED UNITED STATES CURRENCY AND THAT NEITHER DEFENDANT NOR SAID UNAPPREHENDED OTHER HAD EITHER PERMISSION OR AUTHORITY TO TAKE, POSSESS, OR OTHERWISE EXERCISE DOMINION OR CONTROL OVER SAID UNITED STATES CURRENCY.

THE DEPONENT IS FURTHER INFORMED BY INFORMANT THAT, AT THE SECOND ABOVE TIME AND PLACE, THE DEFENDANT AND AN UNAPPREHENDED OTHER DID ENTER THE LOCATION AND DEMAND THAT THE INFORMANT HAND OVER THE UNITED STATES CURRENCY IN THE STORE REGISTER.

THE DEPONENT IS FURTHER INFORMED BY INFORMANT THAT DEFENDANT DID POINT A FIREARM AT THE INFORMANT, DID REMOVE \$580 UNITED STATES CURRENCY FROM THE STORE REGISTER, AND DID PUSH THE INFORMANT ABOUT THE INFORMANT'S HEAD.

THE DEPONENT IS FURTHER INFORMED BY INFORMANT THAT DEFENDANT AND UNAPPREHENDED OTHER THEN FLED WITH SAID UNITED STATES CURRENCY.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT IS THE CUSTODIAN OF THE ABOVE-DESCRIBED UNITED STATES CURRENCY AND THAT NEITHER DEFENDANT NOR SAID UNAPPREHENDED OTHER HAD EITHER PERMISSION OR AUTHORITY TO TAKE, POSSESS, OR OTHERWISE EXERCISE DOMINION OR CONTROL OVER SAID UNITED STATES CURRENCY.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT THE ABOVE-DESCRIBED ACTIONS CAUSED THE INFORMANT TO SUFFER SUBSTANTIAL PAIN, TO FEAR IMMINENT PHYSICAL INJURY AND TO BECOME ALARMED OR ANNOYED.

THE DEPONENT IS INFORMED BY POLICE OFFICER FRANK J DANTUONO SHIELD NO. 255887, OF PSA 2 COMMAND, THAT, AT THE THIRD ABOVE TIME AND PLACE, WHICH IS A PUBLIC STREET, THE INFORMANT DID RECOVER A .380 CALIBER HIGH POINT SEMIAUTOMATIC

THE INFORMANT OBSERVED THE DEFENDANT IN POSSESSION OF ONE PLASTIC BAG CONTAINING MARIHUANA IN THAT INFORMANT RECOVERED SAID PLASTIC BAG CONTAINING MARIHUANA FROM DEFENDANT'S PERSON.

DEPONENT IS FURTHER INFORMED BY INFORMANT THAT THE INFORMANT HAS HAD PROFESSIONAL TRAINING AS A POLICE OFFICER IN THE IDENTIFICATION OF MARIHUANA, HAS PREVIOUSLY MADE ARRESTS FOR THE CRIMINAL POSSESSION OF MARIHUANA, HAS PREVIOUSLY SEIZED MARIHUANA, WHICH WAS DETERMINED TO BE SUCH BY A CHEMICAL ANALYSIS BY THE POLICE DEPARTMENT LABORATORY, AND THE SUBSTANCE IN THIS CASE POSSESSES THE SAME PHYSICAL CHARACTERISTICS AS SUCH PREVIOUSLY CHEMICALLY IDENTIFIED SUBSTANCE AND BY PROFESSIONAL TRAINING AND EXPERIENCE AS A POLICE OFFICER IS FAMILIAR WITH THE COMMON METHODS OF PACKAGING MARIHUANA AND THE PLASTIC BAG USED TO PACKAGE THE SUBSTANCE IN THIS CASE IS A COMMONLY USED METHOD OF PACKAGING SUCH SUBSTANCE.

BASED ON THE FOREGOING, IN INFORMANT'S OPINION, THE SUBSTANCE IN THIS CASE IS MARIHUANA.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE  
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT  
TO SECTION 210.45 OF THE PENAL LAW.

11/21/07  
DATE

  
SIGNATURE

# EXHIBIT 17





Address **201 Troy Ave**  
**Brooklyn, NY 11213**

